IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 964 of 2005
In
Writ Petition No. 2564 of 2002

Dayaram Maurya & Anr. .. Appellants
V/s.
Municipal Corporation of
Greater Mumbai & Anr. .. Respondents

Mr. J. Reis, Advocate with Mr. Niranjan Pandit i/b. Mr. Hemant Sethi for the Appellants

Ms. Shobha Ajith Kumar for the Respondent No. 1

Mr. Cherag Balsara with Ms. Radha Bansal i/b. M/s. Ashwin Ankhad & Associates for the Respondent No. 2

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 27.10.2005.

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondent. By this Appeal the Appellant is challenging the order dated 9.6.2005. We have perused the impugned order, wherein the learned Single Judge has directed the Additional Municipal Commissioner to reconsider the entire matter and pass an appropriate order within a period of three months from the date of knowledge of that order.

2. We make it clear that the learned Additional Municipal Commissioner shall pass an appropriate, reasoned order, strictly on it’s own merits and in accordance with law and will not be influenced by any of the observations of the learned Single Judge in the above. All the contentions of both the parties are

kept expressly open. In view of the above directions, the learned counsel for the Appellant seeks leave to withdraw the Appeal. Appeal is allowed to be withdrawn and stands dismissed as such.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)